



# Financial Services and Markets Act 2000

## 2000 CHAPTER 8

### PART XXIII

#### PUBLIC RECORD, DISCLOSURE OF INFORMATION AND CO-OPERATION

##### *The public record*

#### **347 The record of authorised persons etc**

- (1) The Authority must maintain a record of every—
  - (a) person who appears to the Authority to be an authorised person;
  - (b) authorised unit trust scheme;
  - (c) authorised open-ended investment company;
  - (d) recognised scheme;
  - (e) recognised investment exchange;
  - (f) recognised clearing house;
  - (g) individual to whom a prohibition order relates;
  - (h) approved person; and
  - (i) person falling within such other class (if any) as the Authority may determine.
- (2) The record must include such information as the Authority considers appropriate and at least the following information—
  - (a) in the case of a person appearing to the Authority to be an authorised person—
    - (i) information as to the services which he holds himself out as able to provide; and
    - (ii) any address of which the Authority is aware at which a notice or other document may be served on him;
  - (b) in the case of an authorised unit trust scheme, the name and address of the manager and trustee of the scheme;
  - (c) in the case of an authorised open-ended investment company, the name and address of—

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*Status: This is the original version (as it was originally enacted).*

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- (i) the company;
    - (ii) if it has only one director, the director; and
    - (iii) its depositary (if any);
  - (d) in the case of a recognised scheme, the name and address of—
    - (i) the operator of the scheme; and
    - (ii) any representative of the operator in the United Kingdom;
  - (e) in the case of a recognised investment exchange or recognised clearing house, the name and address of the exchange or clearing house;
  - (f) in the case of an individual to whom a prohibition order relates—
    - (i) his name; and
    - (ii) details of the effect of the order;
  - (g) in the case of a person who is an approved person—
    - (i) his name;
    - (ii) the name of the relevant authorised person;
    - (iii) if the approved person is performing a controlled function under an arrangement with a contractor of the relevant authorised person, the name of the contractor.
- (3) If it appears to the Authority that a person in respect of whom there is an entry in the record as a result of one of the paragraphs of subsection (1) has ceased to be a person to whom that paragraph applies, the Authority may remove the entry from the record.
- (4) But if the Authority decides not to remove the entry, it must—
  - (a) make a note to that effect in the record; and
  - (b) state why it considers that the person has ceased to be a person to whom that paragraph applies.
- (5) The Authority must—
  - (a) make the record available for inspection by members of the public in a legible form at such times and in such place or places as the Authority may determine; and
  - (b) provide a certified copy of the record, or any part of it, to any person who asks for it—
    - (i) on payment of the fee (if any) fixed by the Authority; and
    - (ii) in a form (either written or electronic) in which it is legible to the person asking for it.
- (6) The Authority may—
  - (a) publish the record, or any part of it;
  - (b) exploit commercially the information contained in the record, or any part of that information.
- (7) “Authorised unit trust scheme”, “authorised open-ended investment company” and “recognised scheme” have the same meaning as in Part XVII, and associated expressions are to be read accordingly.
- (8) “Approved person” means a person in relation to whom the Authority has given its approval under section 59 and “controlled function” and “arrangement” have the same meaning as in that section.
- (9) “Relevant authorised person” has the meaning given in section 66.